

DARRYL J. HOROWITT #100898  
DANIA M. ALVARENGA #244486  
COLEMAN & HOROWITT, LLP  
Attorneys at Law  
499 West Shaw, Suite 116  
Fresno, California 93704  
Telephone: (559) 248-4820  
Facsimile: (559) 248-4830

Attorneys for Plaintiff,  
SUSAN SANDELMAN, AS TRUSTEE  
OF THE ESAN TRUST

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SUSAN SANDELMAN, AS TRUSTEE  
OF THE ESAN TRUST,

Plaintiff,

v.

B&B PROPERTY MANAGEMENT, LLC,  
dba BELLACH'S LEATHER FOR  
LIVING,

Defendant.

NO. C 08 00681 HRL

**APPLICATION FOR JUDGMENT  
PURSUANT TO CLERK'S ENTRY  
OF DEFAULT**

**[Filed concurrently with Memorandum  
of Points and Authorities, Declarations  
of Darryl J. Horowitt and Lee Cherney,  
and Proposed Judgment]**

Date: June 24, 2008  
Time: 10:00 a.m.  
Dept: Courtroom 2, 5<sup>th</sup> Floor

TO THE HONORABLE COURT AND ALL PARTIES AND THEIR RESPECTIVE  
ATTORNEYS OF RECORD:

Plaintiff, SUSAN SANDELMAN, AS TRUSTEE OF THE ESAN TRUST (hereinafter  
"Plaintiff"), hereby requests a default judgment against Defendant, B & B MANAGEMENT  
GROUP, LLC (hereinafter "Defendant") pursuant to Rule 55(b)(1) of the Federal Rules of Civil  
Procedure. This application is based on this application, the accompanying memorandum of  
points of authorities in support of the application, the declarations of Darryl J. Horowitt and Lee  
Cherney, and the papers and pleadings on file in this action.

1           1.     Entry of Clerk's Default: A request for entry of clerk's default for failure to  
2 respond or appear was filed herein on April 8, 2008.

3           2.     Proof Required for Clerk's Judgment: The declarations of Lee Cherney and  
4 Darryl J. Horowitt filed herewith establish proof of:

5                   (a)     A sum certain due and owing Plaintiff by said Defendant;

6                   (b)     A contract or statutory claim;

7                   (c)     Defendant's nonmilitary status; and,

8                   (d)     Costs to be properly awarded by the clerk.

9           3.     Judgment to be Entered:

10           Plaintiff has suffered damages in the principal amount of \$275,986.81; interest at the rate  
11 of 12% per annum from September 1, 2007 through May 15, 2008, in the amount of \$24,226.35,  
12 and interest at a daily rate of \$90.74 per day thereafter; costs in the amount of \$531.87; and  
13 attorney's fees in the amount of \$33,621.75, for a total judgment of \$334,366.78.

14                               Respectfully submitted,

15           Dated: June 3, 2008

                              COLEMAN & HOROWITT

16                               By: /s/ Darryl J. Horowitt

17                               DARRYL J. HOROWITT

18                               Attorneys for Plaintiff,

19                               SUSAN SANDELMAN, AS TRUSTEE OF  
20                               THE ESAN TRUST  
21  
22  
23  
24  
25  
26  
27  
28